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| 10/522,790 | 01/31/2005 | Stephane Arcaro | 2937-127 | 1745 |
| 6449 7590 11/12/2010 ROTHWELL, FIGG, ERNST & MANBECK, P.C. 1425 K STREET, N.W. SUITE 800 WASHINGTON, DC 20005 | | | | |
| EXAMINER TECKLU, ISAAC TUKU | | | | |
| ART UNIT 2192 | | PAPER NUMBER | | |
| NOTIFICATION DATE 11/12/2010 | | DELIVERY MODE ELECTRONIC | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

Office Action Summary

Application No.

10/522,790

Applicant(s)

ARCARO ET AL.

Examiner

ISAAC T. TECKLU

Art Unit

2192

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-24 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-24 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 11-24 and 29 have been examined.
2. Examiner proposed claim amendment to put the case in condition for allowance on 11/2/2010. The proposition is to incorporate claim 12 to claim 11. However, no response has been received from the Applicant. Examiner objects claim 12 as allowable subject matter in this Office Action.

Response to Arguments

3. Applicant's arguments filed 08/27/2010 have been fully considered but they are not persuasive.

Argument:

“Nothing in Iborra that even suggests that the manner in which formal specification 215 is sent to each the four generators is modifiable in any way.” “The manner in which the formal specification 215 of Iborra is statically sent to the four generators is not modifiable.” (Remark, pp. 11 of 14).

Response:

The Examiner respectfully disagrees with the above assertion. First and fore most the claim language recites “according to modifiable distribution rules”. The Examiners for the sake of clarity re-maps the claim language to indicate the modifiable distribution rule as shown below: Thus, it is respectfully submitted that the above argument is not persuasive. (emphasis added).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 11, 19-21 and 29 are rejected under 35 U.S.C 102(e) as being anticipated by Iborra et al. US 2003/0167455 (hereinafter “Iborra”).

As per Claim 11, Iborra teaches a software, encoded on a computer readable medium, for generation of a computer code of at least one part of a computer application (see at least e.g. FIG. 1, 106-108 and related text), in which the software generates the said computer code from a description of said at least one part of the computer application by distributing said description between several code generators according to modifiable distribution rules (see at least e.g. [0011], rewrite rules to convert the specification, [0021], [0044], based on requirements input, [0083], several translators to convert the validated input requirements, FIG. 2, SYSTEM LOGIC TRANSLATOR 232, USER-INTERFACE- TRANSLATOR 234, DATABASE GENERATOR 236, DOCUMENTATION GENERATOR 238 and related text), each code generator translating the part of said description that it is provided with (see at least e.g. FIG. 2, REQUIREMENTS 200, FORMAL SPECIFICATION 215 and related text), in order to provide at least one part of the said computer code in a respective language (see at least e.g. FIG. 2, APPLICATION CODE 204 and related text).

As per claim 19, Iborra discloses generating said computer code from said description made in a language organized in object classes (see at least paragraph [0095], e.g. FIG. 9A-10 and related

text), in which said language enables to define first classes giving access to technical or functional services to be provided by a hardware and software computer platform receiving the computer application, said services being not definable by said language, and the other classes of said language cannot have access to any one of said services except through said first classes (see at least paragraph [0011] "... enables a developer to build a prototype ... rules to convert the specification...").

As per claim 20, Iborra discloses the software according to the claim 19, distributing said description between the code generators according to distribution rules (see at least paragraph [0011] "... enables a developer to build a prototype ... rules to convert the specification...") associating at least some of said first classes or of said other classes of said language with at least one of said code generators (see at least e.g. FIG. 3, Model declaration 51, General instruction 56, Generator option for a specific language associated with components development 57, Model Declaration Engine 45, Generation Instruction Engine 47, Recursion binder 48).

As per claim 21, Iborra discloses the software according to claim 20, splitting up said description in object classes, the software distributing said object classes between the code generators according to said distribution rules (see at least e.g. FIG. 2, SYSTEM LOGIC TRANSLATOR 232, USER-INTERFACE- TRANSLATOR 234, DATABASE GENERATOR 236, DOCUMENTATION GENERATOR 238 and related text), each code generator translating the objects classes that it is provided with, into said corresponding part of said computer code and wherein the software splits up said description into first classes or into other classes of said language (see at least e.g. FIG. 2, APPLICATION CODE 204 and related text).

Per claim 29, this is software, encoded on either a random access memory or hard disk claims substantially paralleling the limitations in software, encoded on computer readable medium

method claim 1. Iborra further discloses the use of such media (e.g. FIG. 1, 106-108 and related text) in implementing the prescribed steps, and all other limitations have been addressed as set forth above.

Allowable Subject Matter

6. Claims 12-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ISAAC T. TECKLU whose telephone number is (571)272-7957. The examiner can normally be reached on M-F 9:00A - 5:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2192

/Isaac T Tecklu/

Examiner, Art Unit 2192